

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MANUEL RAUL REYO PENA MONTERO, 09794-000)
Petitioner,)
))
 v.) 2:16-cv-408
))
DEPT. OF HOMELAND SECURITY, et al.,)
Respondents.)

MEMORANDUM and ORDER

Manuel Raul Reyo Pena Montero, an inmate at the United States Penitentiary Canaan, has presented a petition pursuant to 28 U.S.C. § 2241 challenging his continued detention despite an order for his deportation to Cuba which was issued in 1994. Attached to his petition is a copy of an Order of the from the United States District Court for the Eastern District of Pennsylvania at Civil Action 15-cv-5821 demonstrating that he is raising the same issue in that Court, as well as an Order from the United States District Court for the Middle District of Pennsylvania at Civil Action 3-cv-16-42 demonstrating the pendency of a similar action in that court.¹ We also note that the petitioner is incarcerated in the Middle District of Pennsylvania.

Section 1404(a), Title 28 United States Code provides that in the interest of justice a case may be transferred to any other District Court having jurisdiction. With the petitioner incarcerated in the Middle District of Pennsylvania, and the pendency of the same challenge in that Court, it would appear that the interests of justice and judicial economy are best served by transferring this action to the Middle District of Pennsylvania for consolidation with the already pending litigation in that Court.

Accordingly, IT IS ORDERED this 12th day of April, 2016, that on or before April 26, 2016, the petitioner show cause, if any, why the instant action should not be transferred to the United States District Court for the Middle District of Pennsylvania.

¹ The attached Order from the Middle District is a copy of a sealing order, but the docket of that Court demonstrates that the petitioner has a pending habeas corpus likewise against the Department of Homeland Security filed in that Court and the United States has already appeared in that action.

s/ Robert C. Mitchell
United States Magistrate Judge